



COUNTY BOARD OF ADJUSTMENT
YELLOWSTONE COUNTY, MONTANA
Thursday, November 10, 2011

SUBJECT: Variance #262 – To Use Land Contrary to Zoning – 501 Johnson Lane
THROUGH: Candi Beaudry, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

REQUEST

This item is being brought to the Board of Adjustment for a Public Hearing to allow the Lockwood Fire Department, a public agency, to construct a 3,200 square foot storage building for the storage of fire equipment in a Residential 9,600 (R-96) zone on Lot 1, Block 1, Lockwood Fire Department Subdivision a 3.172 acre parcel of land. The proposed project is contrary to the zoning district regulations. The storage building is larger than what is allowed in the R-96 zoning district and is an accessory building without a principal structure on the property. The authority to use public land by a public agency contrary to local zoning is shown on the attached copy of MCA 76-2-402 (page 2). Specifically, this is a request by Fire Chief Bill Rash, to construct a new storage building for storage of inactive fire apparatus, emergency response equipment, tools and other miscellaneous equipment. The building will have power.

State statute allows public agencies to use land contrary to zoning after a Public Hearing is held by the local Board of Adjustment. As illustrated in MCA 76-2-402(2), the Board shall have no power to deny the proposed use but shall act only to allow a public hearing for comment on the proposed use.

APPLICATION DATA

OWNER: Lockwood Fire Department
AGENT: Bill Rash, Fire Chief, Lockwood Fire Department
PURPOSE: To allow the construction of a 3,200 square foot storage building
LEGAL DESCRIPTION: Lot 1, Block 1, Lockwood Fire Department Subdivision
ADDRESS: 501 Johnson Lane
SIZE OF PARCEL: 3.172 acres
EXISTING LAND USE: Vacant land
PROPOSED LAND USE: Storage building
EXISTING ZONING: R-96

CONCURRENT APPLICATIONS

None

SURROUNDING ZONING & LAND USE

NORTH: Zoning: R-96
Land Use: Single family dwellings
SOUTH: Zoning: R-96

EAST: Land Use: Single family dwellings
Zoning: R-96
Land Use: Pasture land
WEST: Zoning: Residential Manufactured Home (RMH)
Land Use: Emerald View Mobile Home Court

REASONS

This is a request from Lockwood Fire Department to construction a new storage building for fire equipment and materials storage on a vacant lot it owns on Johnson Lane. Lockwood Fire Department anticipates eventually constructing a new fire station on the 3.127 acre parcel of land. The existing R-96 zone does not allow a 3,200 square foot accessory building and does not allow an accessory use without a principal use on the property. This is a land use contrary to zoning and is allowed by state statute MCA 76-2-402 after a Public Hearing is held before the local Board of Adjustment. State law does not give the authority to the Board of Adjustment to approve or deny the request but does allow the Board to receive public comment on the use.

State Statute

76-2-401. Definitions. As used in [76-2-402](#), the following definitions apply:

- (1) "Agency" means a board, bureau, commission, department, an authority, or other entity of state or local government.
- (2) "Local zoning regulations" means zoning regulations adopted pursuant to Title 76, chapter 2.

History: En. Sec. 1, Ch. 397, L. 1981.

76-2-402. Local zoning regulations – application to agencies. Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing, as defined below, shall be held.

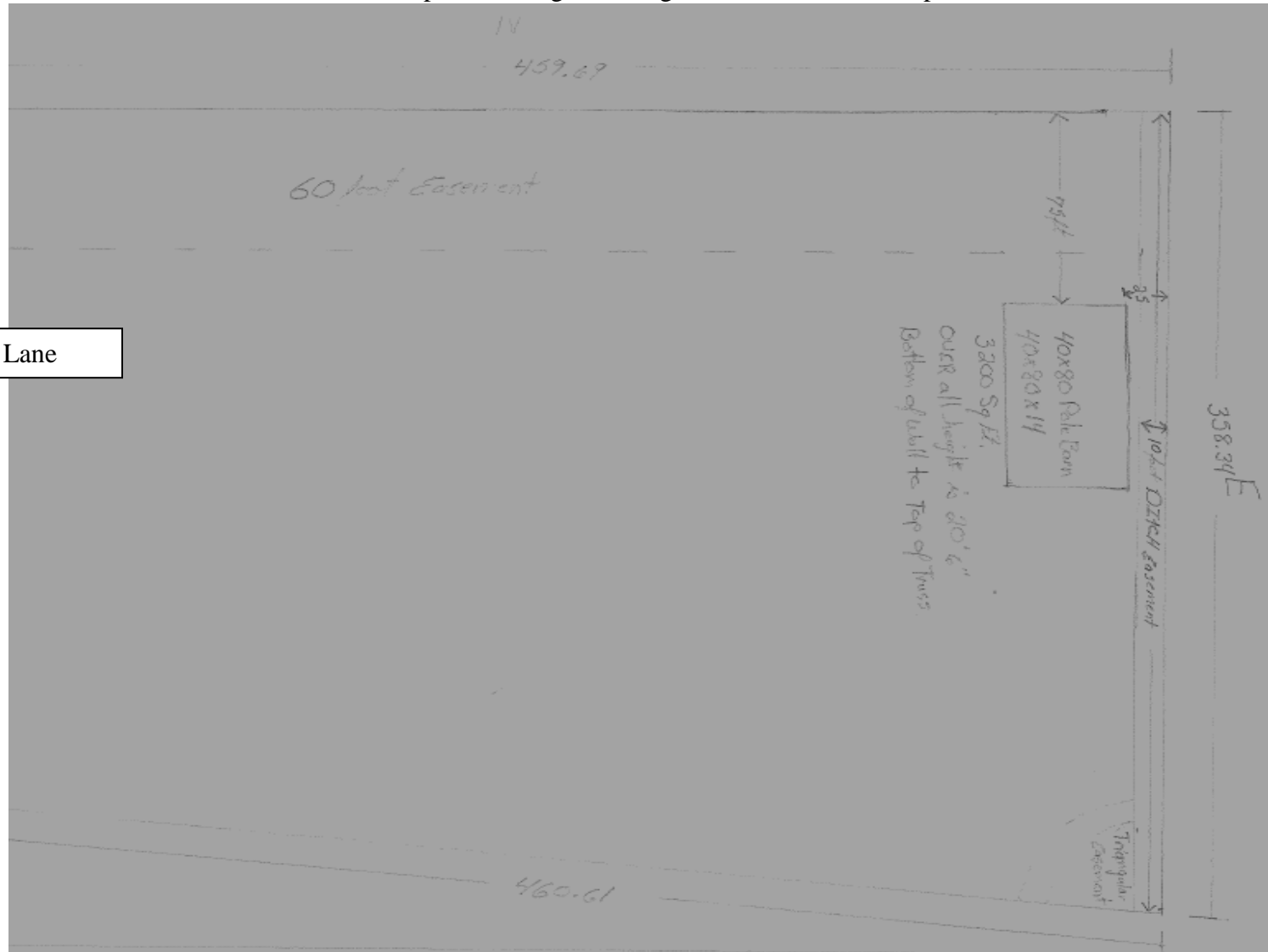
(1) The local board of adjustments, as provided in this chapter, shall hold a hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations.

(2) The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

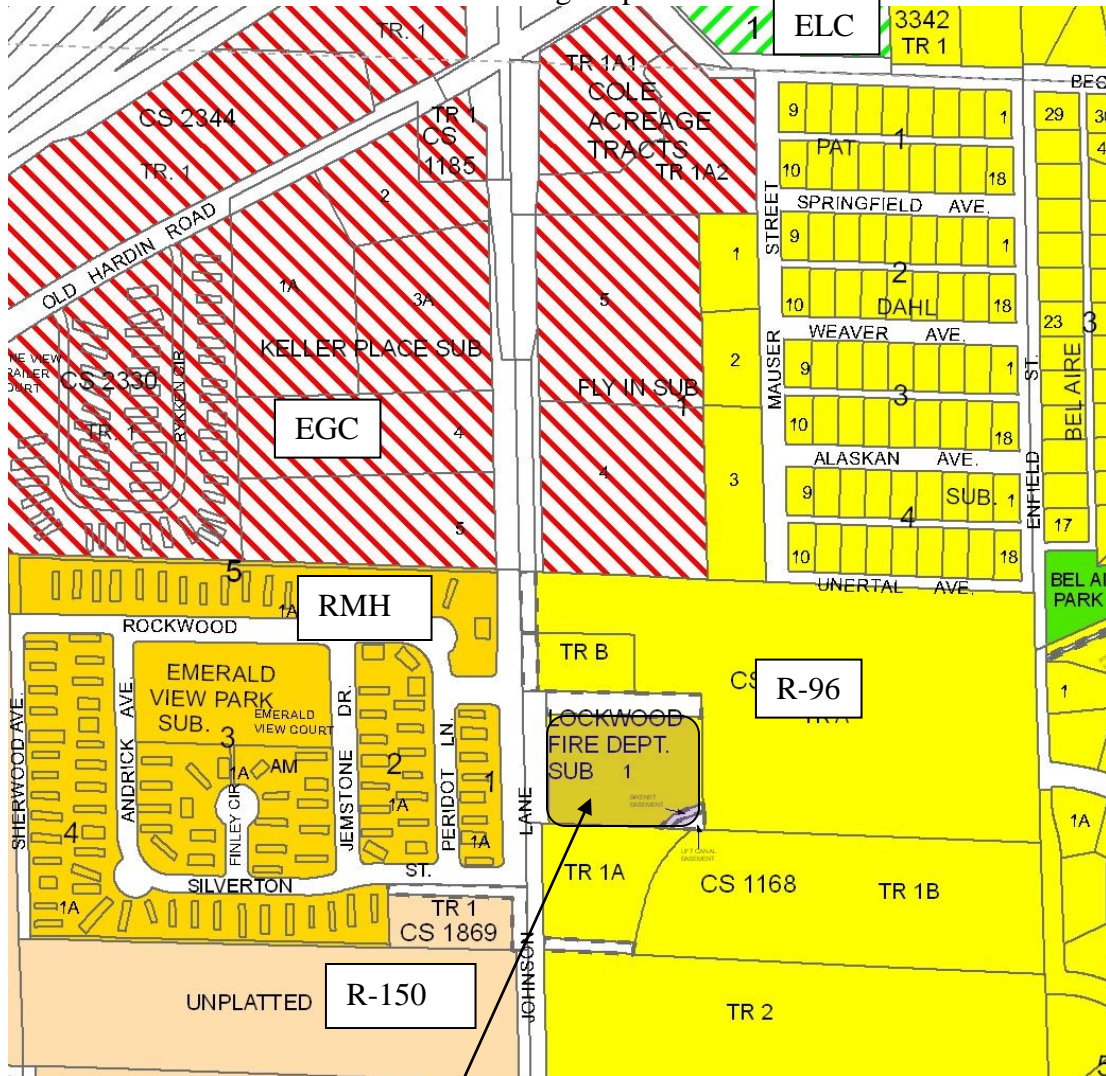
History: En. Sec. 2, Ch. 397, L. 1981.

Site Plan – Proposed Storage building for Lockwood Fire Department

Johnson Lane



Zoning Map



Subject Property

Site photographs



Subject property



Subject property - view north and east from Johnson Lane



View north on Johnson Lane



View south on Johnson Lane

Applicant's Letter

LOCKWOOD RURAL FIRE DISTRICT #8

3329 DRIFTWOOD LANE, BILLINGS, MONTANA 59101
PHONE 406-252-1460 FAX 406-256-8237

FIRE CHIEF • WILLIAM RASH

September 8, 2011

Chairperson of the Board of Adjustments;

The Lockwood Rural Fire District is proposing the construction of a 40 foot by 80 foot cold storage structure on the fire district's property which is located at 501 Johnson Lane, Billings, Montana. This property was purchased several years ago for the purpose of constructing a fire station subsequent to the proposed construction of this storage structure. The fire district is also proposing the construction of a road from Johnson Lane to the proposed storage structure. The proposed storage structure will also have a power line constructed that will extend from Johnson Lane to the storage structure. This power line will provide power needed for interior and exterior lighting as well as for a security system.

The proposed storage structure will be used to provide dry storage for inactive fire apparatus, emergency response trailers, equipment, records, tools, etc.

The Lockwood Rural Fire District would respectfully request that the Board of Adjustments grant the required variance and allow the fire district to proceed with the aforementioned project.

Please contact me if you have any questions and thank you.

Sincerely,



William Rash, Fire Chief
Lockwood Rural Fire District